

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Myriam Zech)
MEETING DATE: April 11, 2007

ITEM: 7

SUBJECT: **Valero Refining Company-California Benicia Refinery, Benicia, Solano County** - Hearing to Consider Mandatory Minimum Penalty (MMP) for Discharge of Partially Treated Wastewater to Waters of the State

CHRONOLOGY: There have been no previous monetary penalties issued against this facility.

DISCUSSION: From January 2004 to November 2006, Valero's Benicia Refinery violated various NPDES permit effluent limits. Water Board Staff issued a complaint assessing a total of \$18,000 in MMPs for these violations.

The minimum penalty is appropriate because although the number of violations is on the high side, most are unrelated to each other and do not suggest an underlying pattern of non-compliance that needs to be fixed at this time. Also, in each case, Valero took prompt and reasonable action to investigate the violation cause and implemented measures to prevent reoccurrences. In several cases, Valero also diverted its discharge to a holding pond to minimize possible impacts from the violations.

Valero has signed a waiver to a hearing (Appendix B), and is considering using \$16,500 of the penalty for a supplemental environmental project (SEP) contributing to the Benicia Middle School Water Education Program. Water Board staff is currently working with Valero to make sure its proposal meets the SEP guidelines.

RECOMMEN-
DATION: No action required.

File No.: 2129.2004 (MLZ)

Appendices: A. Complaint No. R2-2007-0013
B. Signed Waiver